

## REMARKS

This paper is being filed in response to the final Office Action mailed October 5, 2004, having a shortened statutory response period ending on January 5, 2005. This paper is timely filed within two months of the Office Action mail date as December 5, 2004 was a Sunday.

Claims 1-8, 13-27, 32-42, 47-61, 66-76, 81-95 and 100-103 are pending in this application. Claims 9-12, 28-31, 43-46, 62-65, 77-80 and 96-99 have been canceled. Claims 1, 18, 35, 52, 69, and 86 have been amended. These amendments have been made to place the claims in a condition for allowance. Applicants respectfully submit that these amendments will require only a cursory review by the Examiner.

Claims 1-103 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph as the term "composed solely of a first component and a second component" was alleged to be not present in the specification. Claims 1-103 were rejected under 35 U.S.C. § 112 2<sup>nd</sup> paragraph as the term "composed solely of a first component and a second component" was alleged to be indefinite. Claims 1-15, 17, 35-51 and 59-85 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,613,187 to Ding et al. (*Ding*). Applicants respectfully disagree with and traverse these rejections.

Regarding the §112 rejections, the case law is clear that a patent application need not describe the claimed subject matter in exactly the same terms as used in the claims. *In re Wertheim*, 191 USPQ 90, 96 (CCPA 1976). Consequently, the test for determining compliance with the description requirement is whether the application reasonably conveys to the skilled artisan that the inventor had possession of the claimed subject matter at the time of the filing date. *Eiselstein v. Frank*, 34 USPQ2d 1467, 1470 (Fed. Cir. 1995). The skilled artisan would readily recognize that the present specification clearly sets forth a polymer blend and film composed solely of a first component and a second component as recited in the present claims. The present specification at page 6 line 14 through page 7 line 22, and page 8 line 28 through page 9 line 18 discloses a film/blend having solely two components as no other additional components (*i.e.*, a third component or a fourth component, for example) are disclosed. Indeed, the specification is clear that it is in a preferred embodiment wherein a third component, namely peroxide, may be added to the two component blend. *See* present specification, page 14 lines 13-19. Reading the characteristics of a preferred embodiment (*i.e.*, addition of peroxide to the two

component blend/film) into the claims is not proper. *Dayco Products v. Total Containment, Inc.*, 59 USPQ2d 1489, 1496 (Fed. Cir. 2001).

Moreover, Formulae 2-8 and 6-9 listed in the Examples explicitly set forth polymer blends/films composed solely of a first component and a second component. See specification, page 17 line 8 through page 18 line 13. In view of the cited disclosure and the specific Examples set forth in the present application, the skilled artisan would readily recognize that the present Applicants had possession of the claimed polymeric blend/film composed solely of a first component and a second component at least as early as the filing date of the application. Applicants therefore respectfully request that the §112 rejections be withdrawn.

*Ding* fails to teach or suggest a polymeric blend/film composed solely of a first component and a second component selected from the group consisting of propylene containing polymers, polybutene polymers, and polymethylpentene polymers as recited in the present claims. Rather, *Ding* discloses a polymeric blend containing a polyolefin and a cyclic olefin containing polymer. *Ding*, col. 6 lines 28-58. As *Ding* has no disclosure directed to the recited second component, *Ding* does not teach or suggest the subject matter of the present claims.

In view of the foregoing remarks, Applicants submit that claims 1-8, 13-27, 32-42, 47-61, 66-76, 81-95 and 100-103 are in a condition for allowance and respectfully request a notice of the same.

Respectfully submitted,

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